

REMARKS

Claims 1-102 are all the claims pending in the application.

Applicants note that a number of editorial amendments have been made to the specification for grammatical and general readability purposes. Due to the number of changes made, a substitute specification is submitted herewith. No new matter has been added. Also enclosed is a marked-up copy of the original specification showing the changes incorporated into the substitute specification.

I. Objections to the Drawings

The Examiner has objected to the drawings for the reasons set forth on page 2 of the Office Action. In particular, the Examiner has identified several reference numbers that are depicted in the drawings which are not described in the specification, and has also indicated that Figs. 13 and 14 should be labeled as --Prior Art--.

By this amendment, Applicants note that the specification has been amended to include the reference numbers identified by the Examiner. In addition, Applicants are submitting herewith replacement drawings for Figs. 13 and 14 which include the --Prior Art-- legend.

In view of the foregoing, Applicants kindly request that the objections to the drawings be reconsidered and withdrawn.

II. Objections to the Specification

On page 2 of the Office Action, the Examiner has indicated that references listed on page 4 of the specification have not been considered on the merits because they were not submitted in an Information Disclosure Statement. Applicants note that an Information Disclosure Statement is being submitted concurrently herewith in order to make of record the references listed on page 4 of the specification.

On page 3 of the Office Action, the Examiner indicates that the incorporation by reference of essential material of the references listed on page 4 of the specification is improper. Applicants note, however, that the references listed on page 4 of the specification have not been incorporated by reference. Instead, Applicants note that the

background section of the specification merely discusses the subject matter of such references.

Applicants note that in order for a reference to be incorporated by reference, explicit language indicating that the reference is incorporated by reference must be present. In this regard, Applicants note that MPEP 608.01(p) indicates that for a reference to be incorporated by reference, there must be a “clear intent to incorporate by reference by using the root words “incorporat(e)” and “reference” (e.g., “incorporate by reference”).

Accordingly, as Applicants have not expressed such an intent to incorporate by reference the references listed on page 4 of the specification, Applicants respectfully request that the objection be reconsidered and withdrawn.

III. Claim Objections

The Examiner has objected to claims 29, 30 and 93-102 for the reasons set forth on page 3 of the Office Action. In particular, the Examiner has indicated that these claims are of improper dependent form because they fail to further limit the subject matter of a previous claim. Applicants respectfully disagree.

In particular, Applicants point out to the Examiner that MPEP 608.01(n)(III) sets forth that the “test as to whether a claim is a proper dependent claim is that it shall include every limitation of the claim from which it depends (35 U.S.C. 112, fourth paragraph) or in other words that it shall not conceivably be infringed by anything which would not also infringe the basic claim.”

In addition, MPEP 608.01(n)(III) also sets forth that a “dependent claim does not lack compliance with 35 U.S.C. 112, fourth paragraph, simply because there is a question as to (1) the significance of the further limitation added by the dependent claim, or (2) whether the further limitation in fact changes the scope of the dependent claim from that of the claim from which it depends. The test for a proper dependent claim under the fourth paragraph of 35 U.S.C. 112 is whether the dependent claim includes every limitation of the claim from which it depends. The test is not one of whether the claims differ in scope” (emphasis added).

In view of the foregoing, Applicants respectfully submit that claims 29, 30 and 93-102 are of proper dependent claim format based on the guidelines set forth in the MPEP. Accordingly, Applicants kindly request that the objection to claims 29, 30 and 93-102 be reconsidered and withdrawn.

IV. Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 1-28 and 31-92 are allowed. Regarding claims 29, 30 and 93-102, Applicants note that these claims also contain allowable subject matter, but were objected to for the reasons discussed above. Applicants respectfully submit that the comments above address the objections to the claims, and therefore, Applicants submit that all of the claims of the application are in condition for allowance.

Applicants note that minor non-narrowing changes have been made to claims 4, 6, 12, 14, 18, 20, 24, 26, 30, 34-37, 44, 47-50, 55-61, 64-66, 68, 69, 73, 75, 76, 79-81, 86-90 and 92 in order to improve the clarity thereof.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

Replacement formal drawings for Figures 13 and 14 are submitted concurrently herewith under a separate cover letter.